

## COUNTY OF FAIRFAX, VIRGINIA

### SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

RAJIV LAL, SP 2014-MV-203 Appl. under Sect(s). 8-914 of the Zoning Ordinance to permit reduction of minimum side yard requirements based on an error in building location to permit addition to remain 21.1 ft. from rear lot line. Located at 7302 Park Terrace Dr., Alexandria, 22307, on approx. 10,500 sq. ft. of land zoned R-3. Mt. Vernon District. Tax Map 93-4 ((8)) 47. Mr. Hart moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on December 10, 2014; and

WHEREAS, the Board has made the following findings of fact:

1. The applicant is the owner of the land.
2. The applicant has shown compliance with the required standards.
3. The addition itself is relatively modest. It is in the middle of the house at the rear. With the topography and the retaining wall, it would be difficult for anybody to see it. It is a relatively low profile kind of thing and is well concealed.
4. The applicant has explained the sequence of events, as to how he came to build this without a permit. The explanation satisfies the standards.
5. Any conceivable impacts have been addressed.
6. It is going to look like the rest of the house. It does not appear that anyone would be bothered.

THAT the applicant has presented testimony indicating compliance with Sect. 8-006, General Standards for Special Permit Uses, and the additional standards for this use as contained in the Zoning Ordinance. Based on the standards for building in error, the Board has determined:

- A. The error exceeds ten (10) percent of the measurement involved, or
- B. The error is up to ten (10) percent of the measurement involved and such reduction or modification is requested in conjunction with the approval of a special permit for another use or application for a variance on the property, or is in conjunction with another special permit for an error in building location on the property that exceeds ten (10) percent of the measurement involved, and
- C. The noncompliance was done in good faith, or through no fault of the property owner, or was the result of an error in the relocation of the building subsequent to the issuance of a Building Permit, if such was required, and

- D. Such reduction or modification will not impair the purpose and intent of this Ordinance, and
- E. It will not be detrimental to the use and enjoyment of other property in the immediate vicinity, and
- F. It will not create an unsafe condition with respect to both other property and public streets, and
- G. To force compliance with the minimum yard requirements or location regulations would cause unreasonable hardship upon the owner.
- H. The reduction or modification will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.

AND, WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

- 1. That the granting of this special permit will not impair the intent and purpose of the Zoning Ordinance, nor will it be detrimental to the use and enjoyment of other property in the immediate vicinity.
- 2. That the granting of this special permit will not create an unsafe condition with respect to both other properties and public streets and that to force compliance with setback requirements would cause unreasonable hardship upon the owner.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED**, with the following development conditions:

- 1. This special permit is approved for the location of the addition as shown on the plat titled, "Plat, Showing the Improvements on, Lot 27, Section Two, Villamay," prepared by George M. O'Quinn, L.S., of Dominion Surveyors, Inc., dated July 19, 2014.
- 2. All applicable permits and final inspections shall be obtained for the one-story addition within 180 days of the approval of this application.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Mr. Hammack seconded the motion, which carried by a vote of 4-0. Mr. Byers and Mr. Smith were not present for the vote. Ms. Theodore was absent from the meeting.

A Copy Teste:

A handwritten signature in cursive script, reading "Mary D. Padrutt". The signature is written in dark ink and is positioned above a horizontal line.

Mary D. Padrutt, Deputy Clerk  
Board of Zoning Appeals